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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,765	03/27/2001	Shuichi Yamaguchi	448563/0191	2415

7590 03/08/2002

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EXAMINER

NGUYEN, JUDY

ART UNIT	PAPER NUMBER
2861	7

DATE MAILED: 03/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/818,765	YAMAGUCHI ET AL.
Period for Reply	Examiner	Art Unit
	Judy Nguyen	2861
<p>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</p>		
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p>		
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
<p>Status</p>		
<p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>26 December 2001</u>.</p>		
<p>2a)<input checked="" type="checkbox"/> This action is FINAL. 2b)<input type="checkbox"/> This action is non-final.</p>		
<p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>		
<p>Disposition of Claims</p>		
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1 and 2</u> is/are pending in the application.</p>		
<p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p>		
<p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p>		
<p>6)<input checked="" type="checkbox"/> Claim(s) <u>1,2</u> is/are rejected.</p>		
<p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p>		
<p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>		
<p>Application Papers</p>		
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p>		
<p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p>		
<p>Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p>		
<p>11)<input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner.</p>		
<p>If approved, corrected drawings are required in reply to this Office action.</p>		
<p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>		
<p>Priority under 35 U.S.C. §§ 119 and 120</p>		
<p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p>		
<p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p>		
<p>1.<input type="checkbox"/> Certified copies of the priority documents have been received.</p>		
<p>2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p>		
<p>3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p>		
<p>* See the attached detailed Office action for a list of the certified copies not received.</p>		
<p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p>		
<p>a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p>		
<p>15)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>		
<p>Attachment(s)</p>		
<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p>		
<p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p>		
<p>3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3,4</u>.</p>		
<p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____.</p>		
<p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p>		
<p>6)<input type="checkbox"/> Other: _____</p>		

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Scheffelin et al (US 5,675,367).

Scheffelin et al discloses all features of the claimed invention:

- removing the ink bag (within 226) from the ink jet recorder (the step is necessary, therefore, inherent)
- positioning the ink bag (illustrated in Fig. 40)
- inserting an in needle (212) into a second opening (26) that is different than the first opening (46)
- charging the ink bag only through the second opening (26) with a specified quantity of ink.

3. Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Merrill (US 5,900,895).

Merrill discloses all features of the claimed invention:

- removing the ink bag (within 20) from the ink jet recorder (column 12, lines 37-38)
- positioning the ink bag (illustrated in Fig. 12)
- inserting an in needle (200) into a port (28) of the ink bag
- discharging ink from the ink bag and charging the ink bag both through the port (column 13, line 46 – column 14, line 4).

Response to Arguments

4. Applicant's arguments have been considered but are moot in view of the new grounds of rejection.
5. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2861

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judy Nguyen whose telephone number is (703) 305-7062. The examiner can normally be reached on Monday - Friday.



JUDY NGUYEN
PRIMARY EXAMINER

March 4, 2002